

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICK HALE,)
Plaintiff,)
v.)
LAURIE SMITH, Sheriff, et al.,)
Defendant(s).)
No. C 09-3455 CRB (PR)
ORDER OF DISMISSAL
(Doc # 2)

This civil action by a prisoner was filed on July 27, 2009. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within 30 days would result in dismissal of the action.

More than 40 days have elapsed; however, plaintiff has not provided the court with the requisite items, or sought an extension of time to do so. Plaintiff's incomplete in forma pauperis application (doc # 2) is DENIED and the action is DISMISSED without prejudice.

The clerk shall close the file and terminate all pending motions as moot.
SO ORDERED.

DATED: Sept. 16, 2009


CHARLES R. BREYER
United States District Judge